



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-20-004
Great Lakes Erosion Control General Permit

Permittee and Facility Information

Permit Issued To:
Applicant Shown on
Application/Authorization Form

Facility:
Location Identified on the
Application/Authorization Form

Applicable DEC Region(s): 6, 7, 8, 9

General Permit Authorized Activity: Description of Authorized Activities: For the purposes of shore protection to safeguard existing functional erosion control structures, roads, bridges, infrastructure, and property along the Lake Ontario shoreline, Lake Erie shoreline, Niagara River, and Saint Lawrence River, including affected portions of wetlands, navigable bays and tributaries, the following activities are authorized under this General Permit:

1. Repair and in-kind replacement of existing functional erosion protection structures. The repair or replacement of these structures must not extend waterward of the pre-existing footprint except where the Department accepts an applicant's demonstration that minor deviations are necessary for the stability of the structure. Increase in structure height may be approved if appropriate. Replacement structures must be adequately sized and designed.
2. New stone necessary for the stabilization of existing, functional, vertical erosion protection structures installed along coastal erosion hazard area (CEHA) bluffs or non-CEHA areas. Stone must be sized appropriately for the location. Minor deviations in the original structure's configuration, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. **Not applicable along CEHA beach or dune shorelines.**
3. New sloped rock revetment structures along CEHA bluffs or non-CEHA areas, that are necessary for the emergency stabilization of existing and functional dwellings. Structures must be no greater than 100 feet in length and 10 feet in height, and must be sloped no steeper than 1.5H to 1V and not extend waterward of the existing shoreline, or the shoreline as it existed immediately prior to a discrete erosion event occurring no more than 6 months prior to the time of permit application. Stone must be sized appropriately and placed as close to the toe of the slope as possible. **Not applicable along CEHA beach or dune shorelines.**
4. Emergency repair of functional concrete or steel vertical breakwalls along CEHA bluffs or non-CEHA areas, by installation of sheet piling immediately adjacent to the existing lakeward vertical face when in place repair is not possible. **Not applicable along CEHA beach or dune shorelines.**



5. Repair or in-kind reconstruction of existing public roads, bridges, utilities and other public infrastructure.
6. Stabilization of existing functional storm-damaged dwellings, decks and walkways with temporary bracing and pilings.
7. Repair or in-kind reconstruction of elevated walk ways or stairways necessary for water access. The stairs and landings shall be a maximum of 4 feet in width and constructed a minimum of 18 inches above grade over the dune/bluff face.
8. Minor grading back of the top of eroded bluffs landward to a stable slope. Project must include an approved vegetation plan. Toe stone for stabilization may be allowed in specific circumstances.
9. Removal of debris by use of motorized equipment.
10. Temporary installation of sand bags or other Department approved temporary flood protection devices located above MHW. Sand bags may be conventional size or large (cubic yard or larger).
11. Removal of channel blockages of streams tributary to Lake Ontario and Lake Erie blocked by shoreline sediment or other naturally-deposited materials. Application must include an upland disposal plan.
12. Repair or in-kind reconstruction of previously-authorized docks, catwalks and floats located within CEHA areas and within DEC regulated freshwater wetlands or wetland adjacent areas.
13. New shoreline stabilization measures that consist predominately of vegetative stabilization or bioengineering techniques. Structures must be no greater than 200 feet in length and 10 feet in height, and must be sloped no steeper than 1.5H to 1V and not extend waterward of the existing shoreline, or the shoreline as it existed immediately prior to a discrete erosion event occurring no more than 6 months prior to the time of permit application. Stone or other materials used must be sized appropriately and placed as close to the toe of the slope as possible.

Permit Authorizations

Coastal Erosion Management - Under Article 34

Effective Date: 05/08/2020 Expiration Date: 05/07/2025

Freshwater Wetlands - Under Article 24

Effective Date: 05/08/2020 Expiration Date: 05/07/2025

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: 05/08/2020 Expiration Date: 05/07/2025

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 05/08/2020 Expiration Date: 05/07/2025

Stream Disturbance - Under Article 15, Title 5

Effective Date: 05/08/2020 Expiration Date: 05/07/2025



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by

Permit Administrator: SCOTT E SHEELEY , Deputy Chief Permit Administrator

Address: NYSDEC Headquarters
625 Broadway
Albany, NY 12233

Authorized Signature: Scott E. Sheeley Date: 05/08/2020

This permit is not effective without the signature below:

Validation under this General Permit

Authorized By: A Valid NYSDEC Countersignature on the Application/Authorization Form or in the Space Provided Below

Authorized Signature: _____ Date / /

Permit Components

- NATURAL RESOURCE PERMIT CONDITIONS
- WATER QUALITY CERTIFICATION SPECIFIC CONDITION
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS
- ATTACHMENTS - PROJECT PLANS/DRAWINGS
- ATTACHMENTS - OTHER: _____



NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; EXCAVATION & FILL IN NAVIGABLE WATERS; FRESHWATER WETLANDS; COASTAL EROSION MANAGEMENT; STREAM DISTURBANCE

1. **Coverage Authorization** This permit is valid only after the Application/Authorization form or project-specific copy of the General Permit has been countersigned by an authorized representative of the Department of Environmental Conservation.
2. **Geographic Extent of Coverage** This permit is valid only in the municipalities of Erie, Chautauqua, Niagara, Orleans, Monroe, Wayne, Cayuga, Oswego, Jefferson, and St. Lawrence Counties that border Lake Ontario, Lake Erie, St. Lawrence River, or Niagara River.
3. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the applicant or their authorized representative.
4. **Minimize Waterward Encroachment** Every effort should be made to minimize encroachment waterward. All repair or rehabilitation activities on previously authorized structures should focus on using the area immediately landward of the existing vertical structure. Where toe stone protection is required, it shall not exceed the minimum needed for erosion protection. No material shall be placed in a manner that will be eroded by expected storm events.
5. **No additional structures** No buildings or other structures are authorized to be erected on the shore protection structures.
6. **Equipment to operate from dry land** Equipment used during lake or stream bank, site work shall be operated from dry land whenever possible.
7. **Erosion Control Structures to meet Design Standards** Shore Protection structures must be designed and constructed to generally accepted engineering principles to ensure successful protection from current and potential wave erosion, ice damage, and flooding. The selected engineering techniques must also minimize the amount of total fill and waterward encroachment to the maximum extent practicable. The placement of material must conform to the predamage contour. The Department may request proof of predamage configuration e.g. an official survey.
8. **Erosion Protection Structures to Be Durable** All materials used to construct erosion protection structures must be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions. Individual component materials that have a working life of less than 30 years must be regularly maintained and replaced as necessary to attain the 30 years of erosion protection required by this permit.
9. **No Side Casting or Temporary Storage of Sediments** Excavated sediments from channel restorations shall be placed directly into the department approved disposal site or conveyance vehicle. No side-casting (double-dipping) or temporary storage of excavated sediments is authorized.



10. Limitations on New Stone New stone authorized under Activities two (2), three (3), eight (8), and thirteen (13) of this permit must be sized appropriately for the location. New stone may not exceed an average of one cubic yard per running foot waterward of the mean high water line, except where written affirmation of coverage under a Nationwide Permit is obtained from the US Army Corps of Engineers following a pre-construction notification to the Army Corps and Department of State concurrence with a consistency certification to the NYS Department of State.

11. Consolidation of Armor Stone Prohibited Armor stone may not be consolidated with concrete or by any other means.

12. Minor Deviations for the Repair Replacement of Erosion Control Structures Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized provided that any waterward encroachment is the minimum necessary for the stability of the structure.

13. New Revetments The stone revetment installed must contain on average no more than one cubic yard of stone per running foot below the mean high water line, except where written affirmation of coverage under a Nationwide Permit is obtained from the US Army Corps of Engineers following a pre-construction notification to the Army Corps and Department of State concurrence with a consistency certification to the NYS Department of State. The revetment toe must be keyed to a depth of at least three feet below the soil/waterbody interface or be adequately fixed to bedrock. The face of the revetment must be sloped no steeper than one foot vertical to one and one half feet horizontal (1:1.5). The ends of the erosion protection structure shall be tied smoothly into adjacent structures or shoreline areas.

14. Bulkhead Replacement Except as authorized under Activity # 4, the new bulkhead shall not encroach into the waterbody beyond the limits of the old bulkhead to be removed and it shall tie in evenly with and not encroach beyond adjacent property shoreline protection structures.

15. Excavation for Bulkhead/Structure Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, wetland or protected buffer area.

16. Excavation for Bulkhead Any material (sediment, gravel, etc.) excavated to facilitate placement/repair of the bulkhead shall be disposed of at a site above the reach of high water or behind the completed wall to prevent its entry into the water.

17. Incidental Dredging or Excavation Dredging or excavation incidental to construction of a shoreline protection structure may be performed if necessary for site preparation provided the limits do not exceed the area to be occupied by the structure. Dredged or excavated materials must not be deposited in any waterway, wetland or a location where wave action could reach the material and cause it to erode.

18. Clean Fill Only All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.



19. Concrete Leachate During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

20. Turbid Discharges Visibly turbid discharges from land clearing, grading or excavation activities, or de-watering operations shall not enter the stream, navigable water, or wetland. Prior to entry into stream, navigable water or wetland, any such discharge shall be:

- a. retained in an appropriately maintained upland settling basin;
- b. filtered through crushed stone, sand, straw bales, silt screening (maximum opening size of U.S. Sieve Number 20), etc.; or,
- c. directed to a grassy upland area a sufficient distance from the stream to prevent change in turbidity of the receiving water.

21. Cofferdam Not to Cause Turbidity, Siltation Any temporary cofferdam shall be constructed of materials such as sheet piling, sandbags or clean gravel that will not contribute to turbidity or siltation of the waterbody.

22. Temporary Sand Bags for Flood Protection Bags must be filled with clean fill and removed when the bags become damaged or within 30 days of the date that the water level falls below MHWL, whichever occurs first.

23. Stream Channel Blockage Removal No more than 25 cubic yards of accumulated sediments blocking stream flows may be removed. Characteristics of the restored channel must approximate the slope, width, depth, and location of the stream channel immediately upstream and downstream of the work area. Excavated material must be placed upland, landward of the Ordinary High Water line.

24. Disposal of Woody Debris and Trash All woody debris and trash removed under this permit must be disposed of in an upland location in accordance with any applicable solid waste regulations.

25. Stabilize Disturbed Areas All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:

- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
- b. Stabilized as per specifications identified on approved plans.
- c. Temporarily stabilized with straw mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization shall be maintained until a mature vegetative cover is established.

26. Native Plant Materials Only native plant materials shall be used for any project authorized under this general permit. The use of non-native plant materials is prohibited.



27. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

28. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

29. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

30. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

31. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator

List available at: <https://www.dec.ny.gov/about/39381.html>

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Coastal Erosion Management, Freshwater Wetlands, Excavation & Fill in Navigable Waters, Water Quality Certification, Stream Disturbance.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;



- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.